



THE CITY OF NASHUA

Economic Development

"The Gate City"

January 21, 2022

Laurie Ortolano
41 Berkeley Street
Nashua, NH 03064

Via email only to laurieortolano@gmail.com

RE: Email Request dated January 1, 2022, January 3, 2022 & January 5, 2022 (the "Requests").

Dear Ms. Ortolano:

The City is in receipt of your emails dated January 1, 3, and 5, 2022, purportedly sent under the Right to Know law ("RTK"), in which you made a series of requests for documents. By this letter, I am responding to the requests.

The RTK law requires an individual requesting a record to reasonably describe the specific governmental records being requested. A reasonably described request "would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." *Marks v. United States* (Dep't of Just.), 578 F.2d 261 (9th Cir. 1978). Absent this description a best effort search and production was carried out. In furtherance of this sentiment, the following is offered.

On January 1, 2022 ("Request No. 1"), you requested:

[1] The document (scope of work) authorizing Paul Shea to conduct a downtown survey on barrier usage. If there are multiple scopes of work for surveys Mr. Shea has conducted, for clarification, I am looking for the scope of work that produced the data Paul Shea shared in the December 8, 2021 infrastructure meeting.

No such record exists.

On January 1, 2022 ("Request No. 2"), you requested:

[2] Electronic or inspectable copies of all barrier survey records obtained or notes (considered in their final form) gathered by Great American Downtown (GAD), Paul Shea, or his staff. I specifically want to know the names of the businesses that were surveyed.

This request should be directed to Great American Downtown ("GAD").

On January 1, 2022 ("Request No. 3"), you requested:

[3] Any communications, emails or letters regarding barriers or the parking study from Paul Shea, GAD, or GAD staff. The timeframe for this search will be the date the request or scope of work was given to Mr. Shea to conduct the survey. The end date will be December 31, 2021. If there was no document authorizing Mr. Shea to conduct a survey, please start the document search from March 1, 2021 to December 31, 2021.

Again, The RTK law requires an individual requesting a record to reasonably describe the specific governmental records being requested. Absent this description a best effort search and production was carried out. Please find enclosed.

On January 1, 2022 ("Request No. 4"), you requested:

[4] The document containing the statistics Paul Shea read into the record at the December 8, 2021 infrastructure meeting.

Please find enclosed.

On January 1, 2022 ("Request No. 5"), you requested:

[5] Electronic copies of inspectable copies of the surveys collected from the parking study. I am requesting that these not be withheld until the final report because the company hired to perform the parking study indicated that many surveys had negative comments about the barriers.

This request should be directed to Desman Design Management.

On January 1, 2022 ("Request No. 6"), you requested:

[6] The document (scope of work) requesting that the office of Economic Development conduct a downtown survey on barrier usage. If there are multiple surveys Economic Development has conducted, for clarification, I am looking for the survey(s) used to justify the continued use of downtown barriers.

No such record exists.

On January 1, 2022 ("Request No. 7"), you requested:

[7] Electronic or inspectable copies of all barrier survey records obtained or notes (considered in their final form) gathered by Economic Development. I am specifically interested in the names of the businesses surveyed.

No such record exists.

On January 1, 2022 ("Request No. 8"), you requested:

[8] Any communications, emails or letters regarding barriers or the parking study from Economic Development, Tim Cummings or his staff. The timeframe for this search will be the date the request or scope of work was given to Economic development to conduct the

survey. The end date will be December 31, 2021. If there was no document authorizing Economic Development to conduct the survey, please start the document search from March 1, 2021 to December 31, 2021.

Please find enclosed.

On January 1, 2022 (“Request No. 9”), you requested:

[9] Any report produced regarding the barrier survey statistics gathered by Economic Development.

Please find enclosed.

On January 1, 2022 (“Request No. 10”), you requested:

[10] All communications sent in by citizens regarding barriers. These are to include communications to City departments or divisions and communications that were not included in the Board of Aldermen public Board packet. The timeframe for this search will be March 1, 2021 to December 31, 2021. Please include any response emails sent to Jim Donchess or City Hall in response to the Jim Donchess email sent out December 7, 2021 encouraging citizens to attend the December 8, 2021 infrastructure meeting in support or maintaining the barriers downtown.

Please find enclosed, but does not represent “*any documents any response emails sent to Jim Donchess or City Hall in response to the Jim Donchess email sent out December 7, 2021 encouraging citizens to attend the December 8, 2021 infrastructure meeting in support or maintaining the barriers downtown.*” This request should be directed to the Mayor’s office.

On January 3, 2022 (“Request No. 11”), you requested:

[11] Please provide any text messages from or to Mr. Shea regarding barriers. Ms. Shea remotely attended the last parking meeting held in November or December. Please provide any text communications regarding barriers from November 1, 2021 to December 31, 2021.

Please find enclosed.

On January 3, 2022 (“Request No. 12”), you requested:

[12] Please provide any text messages to or from Mr. Cummings regarding barriers. Mr. Cummings attended, in person, the December 8th infrastructure meeting and was seen texting and using his phone while speaking with the Infrastructure Committee members at the Board table. Please provide all text messages received and transmitted while participating in this Board meeting. Additionally, please provide all barrier text messages from November 1, 2021 to December 31, 2021.

Please find enclosed.

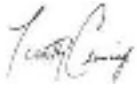
Your communication on January 5, 2022 stated the following:

“I would like the email records search to include all employees of GAD, Paul Shea, Jennifer Annand, and Kathleen Palmer.”

Your request for “email records” for “all employees” (presumably related to the barrier issue) is overly broad and does not reasonably describe a government record. This request should be directed to Great American Downtown (“GAD”). The City cannot respond further until a clearer, specific request for information is made. At that time, I will consider your request in accordance with RSA chapter 91-A.

By receipt of this letter, I have responded to your requests of January 1, 3, and 5, 2022. I am attaching hereto your email communications. The offer to meet with and present to the Board of Alderman and/or PEDC stands.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read 'Tim Cummings', is positioned above the typed name.

Tim Cummings
Director of Economic Development

Enclosure